

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

WILBERT GLOVER,

Case No. 19-CV-304(NEB/BRT)

Plaintiff,

v.
RICHARD RODRIGUEZ, ALBERTS
ROSS, R. PAUL #705, MATT BOSTROM,
GREG CROUCHER, JOE PAGET, TOM
ROY, OFFICER HENDRIKT, and the
MINNESOTA DEPARTMENT OF
CORRECTIONS,

ORDER ACCEPTING REPORT AND
RECOMMENDATION

Defendants.

The Court has received the January 29, 2021 Report and Recommendation of United States Magistrate Judge Becky R. Thorson. (ECF No. 55.) The Report and Recommendation recommends granting in part and denying in part the Ramsey County Defendants' motion for summary judgment. (*Id.* at 28–29.) It also recommends that the Ramsey County Defendants be ordered to advise the Court on their knowledge of the whereabouts of defendants Officer Hendrikt and Alberts Ross. (*Id.*) On February 12, Ramsey County informed the Court that it does not employ officers named Hendrikt or Alberts Ross, but acknowledged that it employs an officer named Tanner Hendrikson, and previously employed an officer named Ross Alberts. (ECF No. 56.) Ramsey County indicates that Mr. Alberts now lives in a different state, and that it has some of his contact information. (*Id.*)

No party has objected to that Report and Recommendation, and the Court therefore reviews it for clear error. *See* Fed. R. Civ. P. 72(b); *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam). Finding no clear error, and based upon all the files, records, and proceedings in the above-captioned matter, IT IS HEREBY ORDERED THAT:

1. The Report and Recommendation (ECF No. 55) is ACCEPTED;
2. Defendants' Motion for Summary Judgment (ECF No. 43) is GRANTED IN PART AND DENIED IN PART WITHOUT PREJUDICE;
3. Pursuant to 28 U.S.C. § 1915A(b), Plaintiff Wilber Glover's Counts 1, 5, and 6 are DISMISSED for failure to state a claim, Count 2 is DISMISSED IN PART as it pertains to retaliation under 42 U.S.C. § 1981, Count 4 is DISMISSED IN PART as it pertains to the Prison Rape Elimination Act;
4. Plaintiff's official-capacity claims against the named defendants are DISMISSED;
5. The remaining claims in this litigation are: Count 2 (Policy 103.220), Count 3 (Eighth Amendment conditions-of-confinement and deliberate indifference claims under 42 U.S.C. § 1983 and Minn. Stat. § 363A.12, subd. 1), and Count 4 (all other state law claims);
6. Given Ramsey County's recent letter regarding defendants Alberts Ross and Officer Hendrikt, (ECF No. 56), the Magistrate Judge will direct the

parties regarding the possible amendment of the complaint and appropriate future service efforts utilizing the Marshals Service, as needed; and

7. The Magistrate Judge will issue an amended pretrial scheduling order.

Dated: February 22, 2021

BY THE COURT:

s/Nancy E. Brasel
Nancy E. Brasel
United States District Judge